

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

GARY T. WINNETT, FREDA)	
JACKSON-CHITTUM, CASPER R.)	
HARRIS, WILLIAM H. DAILEY,)	
CALVIN E. GROGAN, KENNETH C.)	
HAMMER, and CHARLES A.)	
WATERFIELD, on behalf of themselves)	
and others similarly situated,)	
)	
Plaintiffs,)	Case No. 3:06-cv-00235
)	District Judge Trauger
v.)	Magistrate Judge Brown
)	
CATERPILLAR, INC.,)	Class Action
)	
Defendant/Third-Party Plaintiff,)	
)	
v.)	
)	
INTERNATIONAL UNION, UAW, <i>et. al.</i>)	
)	
Third-Party Defendants.)	

ORDER

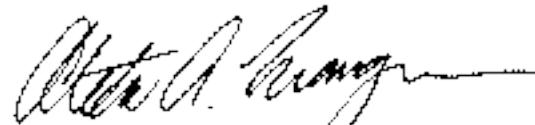
For the reasons expressed in the accompanying Memorandum, the third-party defendants' motion to dismiss (Docket No. 164) is GRANTED IN PART and DENIED IN PART. The third-party defendants' motion to dismiss for lack of personal jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure is hereby GRANTED. All claims against the six out-of-state Local Unions in Illinois, Pennsylvania, and Colorado are hereby DISMISSED.

The third-party defendants' motion to dismiss for failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure is hereby GRANTED IN PART and DENIED

IN PART. The motion is GRANTED as to Counts I and II. Accordingly, those claims are dismissed. The motion is DENIED as to Counts III and IV.

It is so ordered.

Entered this 1st day of May, 2008.



ALETA A. TRAUGER
United States District Judge